HIGH COURT OF UTTARANCHAL AT NAINITAL

C-482 No.993 OF 2006

Dilip,
S/o Shri Sita Ram,
R/o Bhuapur, Police Station-Kakroli,
District-Muzaffarnagar (U.P.) .....Applicant.

Vs.

1. State of Uttaranchal.
2. 1st F.T.C./Addl. Sessions Judge,
   Roorkee, District-Haridwar.

.....Opp. Parties.

Hon'ble Rajesh Tandon, J.

Heard Sri Rajendra Singh, Counsel for the applicant and A.G.A. for the State.

2. By the present application filed under Section 482 of the code of Criminal Procedure, the applicant has prayed for quashing of the order dated 15.11.2006 by which the cross-examination has been refused on the ground that the applicant has called the witnesses number of times and he has no right to do so.

3. Cross-examination is a right, which has been conferred by Article 21 of the Constitution of India and as such the provision of the Code of Criminal Procedure for cross-examination for recalling of the witnesses under Session 231 (2) of the Cr.P.C. Section 231 (2) provides as under:

> “(2) The Judge may, in his direction. permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.”

4. In view of the aforesaid, the application filed under Section 482 of the Code of Criminal Procedure is disposed of directing the trial Court to permit the applicant for cross-examination, which shall be considered in accordance with law.

(Rajesh Tandon, J.)

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